

REMARKS/ARGUMENTS

The Office Action mailed August 25, 2005 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 21, 26, and 45 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The text of claims 2-4, 9, 13, 22-24, 27-29, 46-48, 50-74 is unchanged, but their meaning is changed because they depend from amended claims.

Claims 5-8, 10-12, 14-20, 25, 30-44 and 49 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

New claims 72-74 also particularly point out and distinctly claim subject matter regarded as the invention. No new matter has been added.

In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 30-44 in a divisional Application.

With this amendment it is respectfully submitted the claims satisfy the statutory requirements.

The First 35 U.S.C. § 103 Rejection

Claims 1, 2, 5, 13, 21, 25, 26, 45, 49, 51, 53-56, 58-61 and 63-71 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Perkins¹ in view of '819 (Inoue et al.)², among which claims 1, 21, 26 and 45 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

The Office Action alleges:

Referring to claim 5, Perkins discloses the HGS (global gateway) identifier is responsive to log-in information (i.e., serial number, or other identifying data provided by the mobile unit, since it is inherent that if there are multiple global gateways, there must be some distinguishing identifier provided by the mobile unit in order for the local gateway to determine which global gateway to forward the IP request provided by the user (col. 8, lines 45-67).

Applicant respectfully disagrees. Perkins does not indicate that each mobile unit is associated with a specific global gateway. Rather, Perkins discusses multiple global gateways as a way to load balance. The cited portion of Perkins describes how to determine which global gateway to use once an initial association has been made, but Perkins is silent as to how that association is made in the first place. There are any number of different ways in which a mobile

¹ U.S. Patent No. 5,159,592

² U.S. Patent No. 6,891,819

³ M.P.E.P § 2143.

unit may be associated with a specific global gateway, including, for example, random selection or round-robin selection. It is therefore not inherent that the HGS identifier is responsive to log-in information as stated in dependent claim 5. It could simply be randomly associating a mobile unit with a global gateway, keeping track of that association in the local gateway, without every determining a global gateway in response to user log-in information. The elements of claim 5 have been added to independent claim 1, and as such, Applicant respectfully submits that claim 1 is now in condition for allowance.

Similar elements have been added to independent claims 20, 26, and 45. Therefore, Applicant respectfully submits that these claims are in condition for allowance.

As to dependent claim 51, the Office Action states:

Referring to claims 51, and 53 Perkins discloses said IP address requester transmits the user's authentication information to the HGS with the request for an IP address (col. 5, line 50 to col. 6, line 20).

Applicant respectfully disagrees. In Perkins, the information sent by a mobile node is not user authentication information. The Office Action equates the serial number or other identifying information of the mobile unit as user authentication information. However, that is incorrect. User authentication information is information regarding the user, not the device. A serial number of a mobile device does not indicate whether the particular user operating the mobile device is who he claims to be. Instead, it merely identifies the device. User authentication information would be identical no matter which mobile device the user is attempting to use. This allows, for example, a user to log-in to the system on any mobile device, not just one particular

one. Additionally, the serial number in Perkins is used by the global gateway to determine whether there is any data in the global node that is to be forwarded to the mobile node, and to purge saved packets, but not to authenticate the user. As such, there would be no reason for the global gateway in Perkins to receive the user's authentication information. As such, Applicant respectfully submits that claim 51 is in condition for allowance.

New claims 72-74 have been added that contain elements similar to claim 51 and thus Applicant respectfully submits these claims are allowable for the same reasons as claim 51.

As to dependent claims 2, 13, 25, 49, 53-56 and 58-61, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Second 35 U.S.C. § 103 Rejection

Claims 3, 9, 23, 28, 47, 57 and 62 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Perkins in view of '819, in view of Holt et al.⁴. This rejection is respectfully traversed.

As to dependent claims 3, 9, 23, 28, 47, 57 and 62, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

⁴ U.S. Patent No. 6,070,192

The Third 35 U.S.C. § 103 Rejection

Claims 4, 24 and 48 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Perkins in view of '819, in view of Holt et al. as applied to the claims above and further in view of Inuoe et al.⁵. This rejection is respectfully traversed.

As to dependent claims 4, 24 and 48, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

The Fourth 35 U.S.C. § 103 Rejection

Claims 22, 27, 46 and 50 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Perkins in view of '819, in view of Holt et al. as applied to the claims above and further in view of Reid et al.⁶. This rejection is respectfully traversed.

As to dependent claims 22, 27, 46 and 50, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

⁵ U.S. Patent No. 6,442,616

⁶ U.S. Patent No. 6,233,616

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP



Marc S. Hanish
Reg. No. 42,626

Dated: 12/22/05

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040